

REMARKS

Claims 68-84 are pending in the present application, with claims 68 and 80 as being the independent claims. Claims 85-89 are added herewith. In summary of the outstanding Final Office Action, claim 80 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Walters et al. (U.S. Patent 5,440,334). Claim 81 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Walters et al. U.S. Patent 5,440,334 and further in view of Russo (U.S. Patent 5,619,247). Claims 68, 73, 74, and 79 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Walters et al. Claims 69 and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo, and further in view of Rabowsky (U.S. Patent 6,141,530). Claims 70-72, 76-78, and 82-83 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Russo, Walters and Rabowsky, and further in view of Banker et al. (U.S. Patent 6,005,938). Claims 82-84, are rejected under similar rationale as for claims 70-72.

Reconsideration of the outstanding rejections to the claims is respectfully requested in view of the present amendments and following remarks.

Independent claims 68 and 80

At the outset, Applicants would like to thank Examiner for his time and consideration during the previous interview and Applicants provide the present reply to the outstanding Office Action in light of the discussions had during the interview.

Claim 68 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Walters et al. Claim 80 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Walters et al.

Without conceding the propriety of the rejections and arguments supporting the rejections of claims 68 and 80 in the Office Action prior to the amendments herein, Applicants submit the does not disclose the subject matter of the claims as amended. Claim 68 has been amended to recite “transmitting a plurality of video programs to a plurality of consumer locations for automatic storage at the consumer locations without consumer selection or using individual consumer preference information.” Support for this amendment appears on page 28, lines 17-24 of the specification. Neither Russo, nor Walters et al. describe

such transmittal and storage of video programs. Russo and Walters et al. describe storing video programs according to selections made by the consumer. For example Russo states “selected program materials preferably may be stored in the program storage unit...” Col. 4, lines 10-11. Walters et al. states “...monitoring the broadcast burst transmissions for the one or more ordered programs...and storing the one or more ordered programs...,” (see abstract). In contrast, claim 68 recites transmitting “for automatic storage at the consumer locations without consumer selection or using individual consumer preference information.” In this way, consumers will have more movies available immediately for playing from their storage unit without having to make any pre-selections. Claim 80 includes corresponding amendments and thus for at least the reasons above, Applicants submit that all the limitations of claims 68 and 80 are not taught or suggested by Russo or Walters et al.

Claims 69-79 and 81-89

Claims 69-79 and 81-84 either depend directly or indirectly from claims 68 or 80 and thus, Applicants submit that all the limitations of these claims are not taught or suggested by the references cited in the Office Action for at least the same reasons presented above. Newly added claims 85-89 are system claims that have corresponding limitations to claims 68-84 and thus, Applicants submit that all the limitations of these claims are not taught or suggested by the references cited in the Office Action for at least the same reasons presented above. Support for the newly added claims 85-89 appears throughout the specification. No new matter has been added.

Therefore, Applicants respectfully submit that all the limitations of claims 68-89 are not taught or suggested by any of the references cited by the Office Action, or any combination thereof, for the same reasons presented above.

Since all the limitations of claims 68-89 are not taught or suggested by the references cited by the Office Action, or any combination thereof, for at least the reasons presented above, withdrawal of the rejections is earnestly solicited.

CONCLUSION

Applicants believe that the present reply is responsive to each point raised by the Examiner in the Office Action and Applicants submit that claims 68-89 of the application are

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in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited. However, should the Examiner find the claims as presented herein to not be allowable for any reason, Applicants' undersigned representative earnestly requests a telephone conference at (206) 332-1392 with both the Examiner and the Examiner's Supervisor to discuss the basis for the Examiner's continued rejection in light of the Applicant's arguments presented herein. Likewise, should the Examiner have any questions, comments, or suggestions that would expedite the prosecution of the present case to allowance, Applicants' undersigned representative would very much appreciate a telephone conference to discuss these issues.

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